

**SUPREME COURT CALENDAR
LOS ANGELES SESSION
JUNE 1 and 2, 2004**

(FIRST AMENDED)

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, 3rd Floor, North Tower, Los Angeles, California on June 1 and 2, 2004.

TUESDAY, JUNE 1, 2004—2:00 P.M

- | | | |
|-----|---------|--|
| (1) | S111585 | Rojas v. Superior Court, County of Los Angeles; Coffin |
| (2) | S106718 | Sav-On Drug Stores v. Superior Court, County of Los Angeles;
Rocher |
| (3) | S007531 | People v. Kevin Haley <i>[Automatic Appeal]</i> |

WEDNESDAY, JUNE 2, 2004—9:00 A.M.

- | | | |
|-----|---------|---|
| (4) | S114811 | Reeves v. Hanlon |
| (5) | S117651 | People v. Hernandez |
| (6) | S107855 | Jonathan Neil & Associates v. Jones (<i>Baxter, J., not
participating; Doi Todd, J., assigned Justice Pro Tempore.</i>) |

1:30 P.M.

- | | | |
|------|---------|--|
| (7) | S106106 | Claxton v. Waters |
| (8) | S109734 | People v. Griffin (<i>Rescheduled to the May 26th calendar.</i>) |
| (9) | S115438 | People v. Barker |
| (10) | S117640 | Kirkeby v. Superior Court, County of Orange; Fascenelli |

GEORGE
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California Rules of Court.

**SUPREME COURT CALENDAR
LOS ANGELES SESSION
JUNE 1 and 2, 2004**

The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, JUNE 1, 2004—2:00 P.M.

(1) Rojas v. Superior Court, County of Los Angeles; Coffin, S111585

#03-07 Rojas v. Superior Court, County of Los Angeles; Coffin, S111585.

(B158391; 102 Cal.App.4th 1062; Superior Court of Los Angeles County; BC214521, BC224568.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: What is the scope of the privilege for materials prepared for the purpose of mediation (Evid. Code, § 1119) with respect to “raw evidence” (e.g., data, photographs, and witness statements) and “derivative materials” included in compilations prepared for and used in mediation?

(2) Sav-On Drug Stores v. Superior Court, County of Los Angeles; Rocher, S106718

#02-119 Sav-On Drug Stores v. Superior Court, County of Los Angeles; Rocher, S106718. (B152628; 97 Cal.App.4th 1070.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The case includes the following issue: In a class action challenging an employer’s failure to pay overtime wages, did the trial court err in certifying as a class all employees designated by the employer as salaried managers exempt from the overtime wage laws?

(3) People v. Kevin Haley, S007531 [Automatic Appeal]

This matter is a automatic appeal from a judgment of death.

WEDNESDAY, JUNE 2, 2004—9:00 A.M.

(4) Reeves v. Hanlon, S114811

#03-79 Reeves v. Hanlon, S114811. (B151460; 106 Cal.App.4th 433; Superior Court of Los Angeles County; GC023679.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case includes the following issue: May a third party be held liable to an employer for tortious interference with contractual relations, when the contractual relationship that allegedly has been interfered with is an at-will employment relationship between the employer and its employee or employees?

(5) People v. Hernandez, S117651

#03-114 People v. Hernandez, S117651. (B150342; 109 Cal.App.4th 1338; Superior Court of Los Angeles County; YA045206.) Petition for review after the Court of Appeal affirmed judgments of conviction of a criminal offense. The court limited review to the following issues: (1) Did the trial court commit prejudicial error by denying a defense request to bifurcate trial on the criminal street gang allegation from trial on the substantive offenses? (2) Did the trial court commit prejudicial error by failing to give the jury a limiting instruction on the permissible uses of evidence of defendants' gang membership?

(6) Jonathan Neil & Associates v. Jones, S107855 (Baxter, J., not participating; Doi Todd, J., assigned Justice Pro Tempore.)

#02-136 Jonathan Neil & Associates v. Jones, S107855. (F029400, F030300; 98 Cal.App.4th 434.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) Can an insured sue in tort for an insurer's alleged breach of the duty of good faith and fair dealing in a dispute over premiums and billing practices, or is tortious bad faith in

insurance cases limited to disputes over the duty to defend or indemnify?

(2) Were the insureds required to exhaust administrative remedies before the California Automobile Assigned Risk Plan before bringing suit on their contract claims?

1:30 P.M.

(7) Claxton v. Waters, S106106

#02-95 Claxton v. Waters, S106106. (B141129; unpublished opinion.) Petition for review after the Court of Appeal reversed summary judgment in a civil action. This case presents the following issue: Does the form compromise and release agreement that plaintiff executed in her worker's compensation claim for injuries arising from sexual harassment operate to bar plaintiff's civil action for discrimination under the California Fair Employment and Housing Act?

(8) People v. Griffin, S109734 (Rescheduled to the May 26, 2002 calendar.)

(9) People v. Barker, S115438

#03-77 People v. Barker, S115438. (A093759; 107 Cal.App.4th 147; Superior Court of San Mateo County; SC47136.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case includes the following issue: When a defendant is charged with the felony offense of "willfully" failing to register as a sex offender (Pen. Code, § 290), does the defendant's unintentional forgetting of the obligation to register constitute a defense to the charge?

(10) Kirkeby v. Superior Court, County of Orange; Fascenelli, S117640

#03-129 Kirkeby v. Superior Court, S117640. (G031262; 109 Cal.App.4th 1275; Superior Court of Orange County; 01CC09667.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Does a cause of action to set aside a fraudulent

conveyance affect the title to or right to possession of real property, so as to permit the recording of a notice of lis pendens?